

IPW #

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Atty. Docket

WILHELMUS J. VAN GESTEL ET AL.

PHN 14,818D

SERIAL NO.: 10/784,533

GROUP ART UNIT: 2621

FILED: February 23, 2004

EXAMINER:

RECORDING AND REPRODUCING AN MPEG INFORMATION SIGNAL ON/FROM A
RECORD CARRIER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Box DAC

Sir:

PETITION UNDER 37 C.F.R. 1.182 /

Applicants hereby petition under 37 C.F.R. 1.182 that the
subject application be accorded as the filing date, the date of
deposit of the subject application.

The subject application was filed as a divisional of U.S.
Patent Application Serial No. 10/227,203, and included a UTILITY
PATENT APPLICATION TRANSMITTAL, form PTO/SB/05 (copy enclosed),
containing the statement "For CONTINUATION or DIVISIONAL APPS only:
The entire disclosure of the prior application, from which an oath
or declarations is supplied under Box 5b, is considered a part of
the disclosure of the accompanying or divisional application and is
hereby incorporated by reference. The incorporation can only be

12/20/2004 MAHMED1 00000049 141270 10784533

01 FC:1464 130.00 DA

Void date: 12/20/2004 MAHMED1
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01 FC:1464 130.00 CR

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12/20/2004 MAHMED1 00000062 141270 10784533

01 FC:1462 400.00 DA

relied upon when a portion has been inadvertently omitted from the submitted application parts."


According to a NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION mailed September 22, 2004, the application was missing Figs. 10 and 11. Applicants responded thereto on October 13, 2004, by providing a new set of formal drawings including the missing Figs. 10 and 11 (sheet 7/10). However, according to the Filing Receipt mailed November 4, 2004, the subject application was accorded a filing date of October 18, 2004.

Applicants hereby state that the omission of Figs. 10 and 11 (sheet 7/10) from the formal drawings as filed in this divisional application was inadvertent, and that since the subject divisional application included the above incorporation by reference, pursuant to MPEP § 201.06(c), Applicants respectfully petition that this application be accorded, as the filing date, the date of deposit of this continuation application, to wit February 23, 2004.

Enclosed herewith is a Preliminary Amendment enclosing a new set of formal drawings including the omitted sheet 7/10 containing Figs. 10 and 11.

In view of the above, Applicants respectfully request that this application be accorded the date of deposit as the filing date and that the accompanying Preliminary Amendment be entered.

Respectfully submitted,

by 
Edward W. Goodman, Reg. 28,613
Attorney
Tel.: 914-333-9611

CERTIFICATE OF MAILING

It is hereby certified that this correspondence is being deposited with the United States Postal Service as First-class mail in an envelope addressed to:

COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

On December 15, 2004

By Burnett James

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 130.00

Complete if Known

Application Number 10/784,533
Filing Date February 23, 2004
First Named Inventor WILHELMUS J. VAN GESTEL
Examiner Name
Group / Art Unit 2621
Attorney Docket No. PHN 14,818D

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:
Deposit Account Number 14-1270
Deposit Account Name Philips Research
☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:
☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

Total Claims 20 ** = 0 X Fee from below = 0
Independent Claims 3 ** = 0 X Fee from below = 0
Multiple Dependent X Fee from below = 0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$ 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	130.00
123	50	123	50	Processing fee under 37 CFR 1.17 (q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 130.00

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Edward W. Goodman	Registration No. Attorney/Agent)	28,613	Telephone	914-333-9611
Signature				Date	December 14, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Please type a plus sign (+) inside this box

PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No.	PHN14,818D
First Inventor	William J. Van Gestel, et. al.
Title	RECORDING AND REPRODUCING AN MPEG INFORMATION SIGNAL ON/FROM A RECORD CARRIER
Express Mail Label No.	EV 312 013 526 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☐ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 34]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the invention
 - Brief Summary of the invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) Total Sheets 10
5. Oath or Declaration [Total Pages 2]
 - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63 (d))
(for a continuation/divisional with Box 18 completed)
 - i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:

Assistant Commissioner for Patents
Box Patent Application
Alexandria, VA 22313-1450

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATIONS PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. §3.73(b) Statement of Attorney (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Substitute Specification

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP)

of prior application No: 10/227,203 /

Group / Art Unit: 2615

Prior application information: Examiner T. Q. TRAN

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

17. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

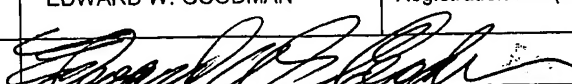
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PATENT TRADEMARK OFFICE

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or ☐ Correspondence address below

Name	PHILIPS INTELLECTUAL PROPERTY & STANDARDS				
Address	345 Scarborough Road P. O. Box 3001				
City	Briarcliff Manor	State	NY	Zip Code	10510
Country	U.S.A.	Telephone	914-333-9611	Fax	914-332-0615

Name (Print/Type)	EDWARD W. GOODMAN	Registration No. (Attorney/Agent)	28,613
Signature			Date <u>2/23/2004</u>

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